

1 PETER C. ANDERSON
2 UNITED STATES TRUSTEE
3 ABRAM S. FEUERSTEIN, SBN 133775
ASSISTANT UNITED STATES TRUSTEE
4 EVERETT L. GREEN, SBN 237936
UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
3801 University Avenue, Suite 720
5 Riverside, CA 92501
Telephone: (951) 276-6990
Facsimile: (951) 276-6973
Email: Everett.L.Green@usdoj.gov
7

8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **RIVERSIDE DIVISION**

11 In re:
12 JOHN FITCH and
13 MARY FITCH,
14
15 Debtors.

Case No. 6:13-bk-17103-MW
Chapter 7
**REQUEST OF JUDICIAL NOTICE IN
SUPPORT OF UNITED STATES
TRUSTEE'S MOTION FOR AN
ORDER APPOINTING CHAPTER 7
TRUSTEE**

17 Date: April 25, 2017
18 Time: 2:00 p.m.
19 Place: United States Bankruptcy Court
Video Courtroom 225
3420 Twelfth St.
Riverside, California 92501
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1 **TO THE HONORABLE MARK S. WALLACE, UNITED STATES BANKRUPTCY**
2 **COURT JUDGE, DEBTORS, DEBTORS' COUNSEL, AND ALL PARTIES-IN-INTEREST:**

3 Peter C. Anderson, the United States Trustee for the Central District of California, Region 16
4 ("U.S. Trustee"), pursuant to Federal Rule of Evidence 201, hereby requests that the Court take
5 judicial notice of the following documents and their contents in connection with the U.S. Trustee's
6 *Motion for order Appointing Chapter 7 Trustee* ("Motion").

7 **I. Judicially Noticed Documents**

- 8 1. Docket, a true and correct copy is attached hereto as Exhibit 1.
9 2. Debtors' Second Amended Motion to Reopen, a true and correct copy is attached
10 hereto as Exhibit 2.
11 3. March 8, 2017 & March 29, 2017 Orders, true and correct copies are attached hereto
12 as Exhibit 3.
13 4. Amended Schedules A & B, true and correct copies are attached hereto as Exhibit 4.

14 **II. Supporting Authorities**

15 Federal courts may take judicial notice of facts which are "capable of accurate and ready
16 determination by resort to sources whose accuracy cannot reasonably be questioned."
17 Fed. Rule Evid. 201(c)(2). Specifically, they may take notice of materials in their own files.
18 *United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980) (court may take judicial notice of its own
19 records).

20
21 DATED: April 4, 2017

PETER C. ANDERSON
UNITED STATES TRUSTEE

23 By: /s/ Everett L. Green
24 Everett L. Green
25 Trial Attorney

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
Office of the U.S. Trustee, 3801 University Ave., Suite 720, Riverside, CA 92501

A true and correct copy of the foregoing document entitled (*specify*): _____
RIN ISO Motion to Appoint a Ch. 7 Trustee

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 04/04/2017, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

See attached NEF service list

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 04/04/2017, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtors, J. Fitch & M. Fitch, 914 Church Street Redlands, CA 92374

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 04/04/2017, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Hon. Mark Wallace, 411 W. Fourth St., Suite 6135, Santa Ana, CA 92701-4593 (overnight mail)

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

04/04/2017 Everett L. Green
Date Printed Name

/s/ Everett L. Green
Signature

Mailing Information for Case 6:13-bk-17103-MW

Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- **Todd B Becker** brief@beckerlawgroup.com,
MOTA@BECKERLAWGROUP.COM
- **John F Brady** johnbrady.cbg@zoho.com, jfb.ecf@gmail.com
- **Howard B Grobstein (TR)** hbgtrustee@gtfas.com,
C135@ecfcbis.com
- **United States Trustee (RS)** ustpregion16.rs.ecf@usdoj.gov

Manual Notice List

The following is the list of **parties** who are **not** on the list to receive email notice/service for this case (who therefore require manual noticing/service). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)

Creditor List

Click the link above to produce a complete list of **creditors** only.

List of Creditors

Click on the link above to produce a list of **all** creditors and **all** parties in the case. User may sort in columns or raw data format.

Exhibit 1

REOPENED

**U.S. Bankruptcy Court
Central District of California (Riverside)
Bankruptcy Petition #: 6:13-bk-17103-MW**

Assigned to: Mark S Wallace
Chapter 7
Voluntary
No asset

Debtor disposition: Standard Discharge
Joint debtor disposition: Standard Discharge

Date filed: 04/22/2013
Date reopened (2): 03/29/2017
Debtor discharged: 08/05/2013
Joint debtor discharged: 08/05/2013
341 meeting: 05/30/2013
Deadline for objecting to discharge: 07/29/2013
Deadline for financial mgmt. course 07/29/2013
(db):
Deadline for financial mgmt. course 07/29/2013
(jdb):

Debtor

John Fitch
914 Church Street
Redlands, CA 92374
SAN BERNARDINO-CA
SSN / ITIN: xxx-xx-3604

represented by **Todd B Becker**

Law Offices of Todd B Becker
3750 E Anaheim St Ste 100
Long Beach, CA 90804
562-495-1500
Fax : 562-494-8904
Email: brief@beckerlawgroup.com

John F Brady
4308 Lime Street
Riverside, CA 92501
951-682-3050
Fax : 951-777-2875
Email: johnbrady.cbg@zoho.com

Joint Debtor

Mary Fitch
914 Church Street
Redlands, CA 92374
SAN BERNARDINO-CA
SSN / ITIN: xxx-xx-4589

represented by **Todd B Becker**

(See above for address)

John F Brady
(See above for address)

Trustee

Howard B Grobstein (TR)
Grobstein Teeple, LLP
7121 Magnolia Ave, Suite F
Riverside, CA 92504
951-234-0951

U.S. Trustee
United States Trustee (RS)

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3801 University Avenue, Suite 720
 Riverside, CA 92501-3200
 (951) 276-6990

Filing Date	#	Docket Text
04/22/2013	1 (60 pgs)	Chapter 7 Voluntary Petition . Fee Amount \$306 Filed by John Fitch, Mary Fitch (Becker, Todd) (Entered: 04/22/2013)
04/22/2013	2 (1 pg)	Declaration Re: Electronic Filing Filed by Debtor John Fitch, Joint Debtor Mary Fitch. (Becker, Todd) (Entered: 04/22/2013)
04/22/2013	3 (2 pgs)	Certificate of Credit Counseling Filed by Debtor John Fitch, Joint Debtor Mary Fitch. (Becker, Todd) (Entered: 04/22/2013)
04/22/2013	4 (18 pgs)	Debtor's Certification of Employment Income Filed by Debtor John Fitch, Joint Debtor Mary Fitch. (Becker, Todd) (Entered: 04/22/2013)
04/22/2013	5	Statement of Social Security Number(s) Form B21 Filed by Debtor John Fitch, Joint Debtor Mary Fitch. (Becker, Todd) (Entered: 04/22/2013)
04/22/2013		Receipt of Voluntary Petition (Chapter 7)(6:13-bk-17103) [misc,volp7] (306.00) Filing Fee. Receipt number 32637651. Fee amount 306.00. (re: Doc# 1) (U.S. Treasury) (Entered: 04/22/2013)
04/22/2013	6 (2 pgs)	Meeting of Creditors with 341(a) meeting to be held on 05/30/2013 at 08:00 AM at RM 103, 3801 University Ave., Riverside, CA 92501. Objections for Discharge due by 07/29/2013. Cert. of Financial Management due by 07/29/2013 for Debtor and Joint Debtor (if joint case) (Becker, Todd) (Entered: 04/22/2013)
04/25/2013	7 (5 pgs)	BNC Certificate of Notice (RE: related document(s) 6 Meeting (AutoAssign Chapter 7)) No. of Notices: 9. Notice Date 04/25/2013. (Admin.) (Entered: 04/25/2013)
06/03/2013		Chapter 7 Trustee's Report of No Distribution: I, Howard B Grobstein (TR), having been appointed trustee of the estate of the above-named debtor(s), report that I have neither received any property nor paid any money on account of this estate; that I have made a diligent inquiry into the financial

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		affairs of the debtor(s) and the location of the property belonging to the estate; and that there is no property available for distribution from the estate over and above that exempted by law. Pursuant to Fed R Bank P 5009, I hereby certify that the estate of the above-named debtor(s) has been fully administered. I request that I be discharged from any further duties as trustee. Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for 1 months. Assets Abandoned (without deducting any secured claims): \$ 185675.00, Assets Exempt: \$ 44575.00, Claims Scheduled: \$ 325555.37, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment (without deducting the value of collateral or debts excepted from discharge): \$ 325555.37. Filed by Trustee Howard B Grobstein (TR) (RE: related document(s) 6 Meeting of Creditors with 341(a) meeting to be held on 05/30/2013 at 08:00 AM at RM 103, 3801 University Ave., Riverside, CA 92501. Objections for Discharge due by 07/29/2013. Cert. of Financial Management due by 07/29/2013 for Debtor and Joint Debtor (if joint case)). (Grobstein (TR), Howard) (Entered: 06/03/2013)
07/16/2013	8 (3 pgs)	Notice of Requirement to Complete Course in Financial Management (Auto VAN-105) (BNC). (AutoDocket, User) (Entered: 07/16/2013)
07/17/2013	9 (2 pgs)	Financial Management Course Certificate Filed by Debtor John Fitch (RE: related document(s) 6 Meeting (AutoAssign Chapter 7)). (Becker, Todd) (Entered: 07/17/2013)
07/17/2013	10 (2 pgs)	Financial Management Course Certificate Filed by Joint Debtor Mary Fitch (RE: related document(s) 6 Meeting (AutoAssign Chapter 7)). (Becker, Todd) (Entered: 07/17/2013)
07/19/2013	11 (5 pgs)	BNC Certificate of Notice (RE: related document(s) 8 Notice of Requirement to Complete Course in Financial Management (Auto VAN-105) (BNC)) No. of Notices: 1. Notice Date 07/19/2013. (Admin.) (Entered: 07/19/2013)
08/05/2013	12 (2 pgs)	DISCHARGE OF BOTH DEBTORS (BNC) (Soria, Maria) (Entered: 08/05/2013)
08/06/2013	13	Bankruptcy Case Closed - DISCHARGE. Order of Discharge in the above referenced case was entered and notice was provided to parties in interest. Since it appears that no further matters are required that this case remain

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		open, or that the jurisdiction of this Court continue, it is ordered that the Trustee is discharged, bond is exonerated, and the case is closed. (Tapia, Eileen) (Entered: 08/06/2013)
08/07/2013	14 (5 pgs)	BNC Certificate of Notice (RE: related document(s) 12 DISCHARGE OF DEBTOR - Chapter 7 (CACB AutoDischarge) (BNC)) No. of Notices: 9. Notice Date 08/07/2013. (Admin.) (Entered: 08/07/2013)
02/13/2017	15 (8 pgs)	Motion to Reopen Chapter 7 Case . Fee Amount \$260 Filed by Debtor John Fitch, Joint Debtor Mary Fitch (Brady, John) (Entered: 02/13/2017)
02/13/2017	16 (7 pgs)	Amended Schedule B (Official Form B6B) - Personal Property , Amended Schedule C: The Property You Claimed as Exempt (Official Form 106C) Filed by Debtor John Fitch, Joint Debtor Mary Fitch. (Brady, John) WARNING: Schedules are stricken. Modified on 2/16/2017 (Craig, John). (Entered: 02/13/2017)
02/13/2017		Receipt of Motion to Reopen Case(6:13-bk-17103-MW) [motion,mreop] (260.00) Filing Fee. Receipt number 44216107. Fee amount 260.00. (re: Doc# 15) (U.S. Treasury) (Entered: 02/13/2017)
02/15/2017	17 (2 pgs)	Order Temporarily Denying Motion To Reopen Case (BNC-PDF) (Related Doc 15) Signed on 2/15/2017. Amended schedules previously filed on or about February 13, 2017 are stricken. Modified on 2/16/2017 (Craig, John). (Entered: 02/15/2017)
02/15/2017	18 (8 pgs)	Amended Motion (related document(s): 15 Motion to Reopen Chapter 7 Case . Fee Amount \$260 filed by Debtor John Fitch, Joint Debtor Mary Fitch) Filed by Debtor John Fitch, Joint Debtor Mary Fitch (Brady, John) (Entered: 02/15/2017)
02/16/2017	19 (2 pgs)	Order on Debtors' amended motion for order reopening chapter 7 bankruptcy case for the purpose of amending schedule B to disclose a previously unknown asset, and amending schedule C to exempt a previously unknown asset (BNC-PDF) (Related Doc # 18) Signed on 2/16/2017 (Craig, John) (Entered: 02/16/2017)
02/16/2017	20 (16 pgs)	Amended Motion (related document(s): 15 Motion to Reopen Chapter 7 Case . Fee Amount \$260 filed by Debtor John Fitch, Joint Debtor Mary Fitch) <i>Seconded Amended</i>

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		<i>Motion Filed by Debtor John Fitch, Joint Debtor Mary Fitch (Brady, John) (Entered: 02/16/2017)</i>
02/17/2017	<u>21</u> (3 pgs)	BNC Certificate of Notice - PDF Document. (RE: related document(s) <u>17</u> Order on Motion to Reopen Case (BNC-PDF)) No. of Notices: 1. Notice Date 02/17/2017. (Admin.) (Entered: 02/17/2017)
02/18/2017	<u>22</u> (3 pgs)	BNC Certificate of Notice - PDF Document. (RE: related document(s) <u>19</u> Order on Amended Motion (BNC-PDF)) No. of Notices: 1. Notice Date 02/18/2017. (Admin.) (Entered: 02/18/2017)
03/06/2017	<u>23</u> (21 pgs)	Declaration That No Party Requested a Hearing on Motion (LBR 9013-1(o)(3)) Filed by Debtor John Fitch, Joint Debtor Mary Fitch (RE: related document(s) <u>20</u> Amended Motion (related document(s): <u>15</u> Motion to Reopen Chapter 7 Case . Fee Amount \$260 filed by Debtor John Fitch, Joint Debtor Mary Fitch) <i>Seconded Amended Motion</i>). (Brady, John) (Entered: 03/06/2017)
03/08/2017	<u>24</u> (2 pgs)	Order Granting an Amended Motion to Reopen case (BNC-PDF) (Related Doc # <u>20</u> and # <u>15</u>) Signed on 3/8/2017 (Craig, John) (Entered: 03/08/2017)
03/09/2017	<u>25</u> (7 pgs)	Amended Schedule B (Official Form B6B) - Personal Property , Amended Schedule C: The Property You Claimed as Exempt (Official Form 106C) Filed by Debtor John Fitch, Joint Debtor Mary Fitch. (Brady, John) (Entered: 03/09/2017)
03/10/2017	<u>26</u> (3 pgs)	BNC Certificate of Notice - PDF Document. (RE: related document(s) <u>24</u> Order on Amended Motion (BNC-PDF)) No. of Notices: 1. Notice Date 03/10/2017. (Admin.) (Entered: 03/11/2017)
03/22/2017	27	Bankruptcy Case Closed - DISCHARGE. Order of Discharge in the above referenced case was entered and notice was provided to parties in interest. Since it appears that no further matters are required that this case remain open, or that the jurisdiction of this Court continue, it is ordered that the Trustee is discharged, bond is exonerated, and the case is closed. (Craig, John) (Entered: 03/22/2017)
03/29/2017	<u>28</u> (1 pg)	Order Reopening Bankruptcy Case (BNC-PDF) Signed on 3/29/2017. (Craig, John) (Entered: 03/29/2017)

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PACER Service Center			
Transaction Receipt			
03/30/2017 15:29:43			
PACER Login:	d [REDACTED] 4057390:4299065	Client Code:	
Description:	Docket Report	Search Criteria:	6:13-bk-17103-MW Fil or Ent: filed From: 12/30/2012 To: 3/30/2017 Doc From: 0 Doc To: 99999999 Term: included Format: html Page counts for documents: included
Billable Pages:	3	Cost:	0.30

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Exhibit 2

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address John F. Brady (SBN: 63900) JOHN F. BRADY & ASSOCIATES, APLC 4803 Lime Street Riverside, CA 92501 Tel (951) 692- 3050 Fax: (951) 777-2975 johnbrady.cbg@zoho.com	FOR COURT USE ONLY
<input type="checkbox"/> Debtor(s) appearing without an attorney <input checked="" type="checkbox"/> Attorney for: Debtors	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION	
In re: JOHN FITCH, MARY FITCH,	CASE NO.: 6:13-bk-17103-MW CHAPTER: 7
	NOTICE OF OPPORTUNITY TO REQUEST A HEARING ON MOTION [LBR 9013-1(o)]
Debtor(s),	[No hearing unless requested in writing]

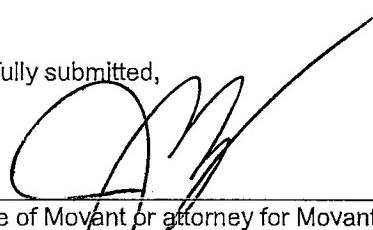
TO THE U.S. TRUSTEE AND ALL PARTIES ENTITLED TO NOTICE, PLEASE TAKE NOTICE THAT:

1. Movant(s) JOHN FITCH & MARY FITCH filed a motion or application (Motion) entitled Second Amended Debtors' Motion for Order Reopening Chapter 7 Bankruptcy Case for the Purpose of Amending Schedule B to Disclose a Previously Unknown Asset and Amending Schedule C to Exempt a Previously Unknown Asset; Declaration of John Fitch, Declaration of John F. Brady.
2. Movant(s) is requesting that the court grant the Motion without a hearing as provided for in LBR 9013-1(o), unless a party in interest timely files and serves a written opposition to the Motion and requests a hearing.
3. The Motion is based upon the legal and factual grounds set forth in the Motion. (Check appropriate box below):
 The full Motion is attached to this notice; or
 The full Motion was filed with the court as docket entry # _____, and a detailed description of the relief sought is attached to this notice.
4. **DEADLINE FOR FILING AND SERVING OPPOSITION PAPERS AND REQUEST FOR A HEARING:** Pursuant to LBR 9013-1(o), any party who opposes the Motion may request a hearing on the Motion. The deadline to file and serve a written opposition and request for a hearing is 14 days after the date of service of this notice, plus 3 additional days if you were served by mail or pursuant to F.R.Civ.P. 5(b)(2)(D) or (F).

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

- a. If you timely file and serve a written opposition and request for a hearing, movant will file and serve a notice of hearing at least 14 days in advance of the hearing. [LBR 9013-1(o)(4)]
- b. If you fail to comply with this deadline:
 - (1) Movant will file a declaration to indicate: (1) the Motion was properly served, (2) the response period elapsed, and (3) no party filed and served a written opposition and request for a hearing within 14 days after the date of service of the notice [LBR 9013-1(o)(3)];
 - (2) Movant will lodge an order that the court may use to grant the Motion; and
 - (3) The court may treat your failure as a waiver of your right to oppose the Motion and may grant the Motion without further hearing and notice. [LBR 9013-1(h)]

Respectfully submitted,


Signature of Movant or attorney for Movant

John F. Brady

Printed name of Movant or attorney for Movant

Date: 02/16/2017

1 John F. Brady (SBN: 63900)
2 John F. Brady & Associates, APLC
3 4308 Lime Street
4 Riverside, CA 92501
5 Tel: 951-682-3050
6 Fax: 951-777-2875
7 johnbrady.cbg@zoho.com

8 Attorney for Debtors
9 John Fitch & Mary Fitch
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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION

In Re: Case No.: 6:13-bk-17103-MW

JOHN FITCH,
MARY FITCH.

Debtor.

Chapter 7

**SECOND AMENDED DEBTORS'
MOTION FOR ORDER
REOPENING CHAPTER 7
BANKRUPTCY CASE FOR THE
PURPOSE OF AMENDING
SCHEDULE B TO DISCLOSE A
PREVIOUSLY UNKNOWN ASSET,
AND AMENDING SCHEDULE C TO
EXEMPT A PREVIOUSLY
UNKNOWN ASSET;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION
OF JOHN FITCH; DECLARATION
OF JOHN F. BRADY**

[NO HEARING UNLESS REQUESTED IN WRITING]
(Pursuant to LBR 9013-1(o))

TO THE HONORABLE MARK S. WALLACE, UNITED STATES
BANKRUPTCY JUDGE; HOWARD B. GROBSTEIN, CHAPTER 7
TRUSTEE; THE OFFICE OF THE UNITED STATES TRUSTEE AND ALL
PARTIES IN INTEREST:

1 **PLEASE TAKE NOTICE** the Debtors request that their case be reopened for
2 the purpose of amending Schedule B, of their previously filed Chapter 7 bankruptcy,
3 to disclose a previously unknown asset, and amending Schedule C, of their
4 previously filed Chapter 7 bankruptcy, to exempt a previously unknown asset.
5

6 The motion is based upon this Notice of Motion, Motion, the attached
7 declarations, Memorandum of Points and Authorities, and all documents and records
8 on file with the court.
9

10 **MEMORANDUM OF POINTS AND AUTHORITIES**
11

12 **I. INTRODUCTION**

13 The Debtors, John Fitch & Mary Fitch, filed a Chapter 7 bankruptcy on April
14 22, 2013. Howard B. Grobstein was the duly appointed and acting Chapter 7 Trustee.
15

16 On June 3, 2013 the Chapter 7 Trustee filed a “no asset report.” The Debtors
17 received a discharge on August, 5, 2013.

18 The Debtors need to amend Schedule B of their petition in order to disclose a
19 previously unknown asset relating to pre-petition unpaid overtime wages earned
20 between January 6, 2012 to the date of filing of their Petition on April 22, 2013
21 pursuant to a class action claim against Mr. Fitch’s previous employer.
22

23 The Debtor needs to amend Schedule C of their petition in order to exempt a
24 previously unknown asset relating to pre-petition unpaid overtime wages earned
25 between January 6, 2012 to the date of filing of their Petition on April 22, 2013
26 pursuant to a class action claim against Mr. Fitch’s previous employer.
27

At the time of filing, the Debtors were unaware of the unpaid overtime wage claim.

The Debtors will file amendments to Schedules B and C upon reopening of their case.

There is no prejudice to any creditor in reopening the Debtor's Chapter 7 Case.

Should the Court determine that a trustee need be appointed, the Debtors do not oppose.

II. HISTORY OF PREVIOUSLY DENIED MOTION

Local Bankruptcy Rule ("LBR") 5010-1, which governs the procedures for filing a motion to reopen a bankruptcy case states, under LBR 5010-1(e):

"MOTION MAY BE CONSIDERED without a hearing. A motion to reopen may be ruled on without a hearing pursuant to *LBR 9013-1(q)*. The movant must not calendar a hearing date nor will a hearing be held on the motion, unless otherwise ordered by the Court" (emphasis added) LBR 5010-1(e).

On 2/13/2017 Debtors filed a Motion to Reopen the present case in order to disclose and exempt previously unknown assets (See Docket 15). The Motion was filed along with a notice of motion pursuant to LBR 9013-1(q) by using local form F 9013-1.2.NO.HEARING. NOTICE (See Docket 15). Item four (4) of the court approved form states:

"Movant will promptly lodge an order that the court may use

1 to rule on the motion, as the court may rule on the motion
2 without a hearing and without an opportunity for any party
3 to file a request for a hearing" Local bankruptcy form F
4 9013-1.2.NO.HEARING.NOTICE of the Central District
of California.

5 Debtors' amended Schedules B & C were filed concurrently with the
6 Notice of Motion and Motion to reopen the Debtors' bankruptcy case on
7 2/13/2017 (See Docket 16).

8 On 2/15/2017, an order temporarily Denying Motion to Reopen the
9 Debtors' case was entered as Docket number 17. Pursuant to the order, the
10 Motion was denied due to:

11 "(1) The Debtor's Motion for Order Reopening Chapter 7
12 Bankruptcy Case, filed on 2/13/2017, is denied without
13 prejudice on the ground that amended schedules should not
14 be filed until after an order has been filed and entered
15 reopening the case; and (2) Amended schedules previously
16 filed on or about February 13, 2017 are stricken" (See Order
17 on Amended Motion, Docket 17).

18 The order denying the motion made no mention as to the appropriateness
19 of the notice of motion, under LBR 9013(q), which was filed along with the
20 motion nor did the order raise concerns as to the timing of the lodged order on
21 the motion.

22 After reviewing the order, Debtor's Counsel promptly refiled an Amended
23 Motion to reopen the Debtors' case using the same notice of motion, local form
24 F 9013-1.2.NO.HEARING.NOTICE, as in the previous Motion (See Docket
25 18).

1 In accordance with previous order denying the motion, Debtors' Amended
2 Schedules B & C were not filed concurrently with the Amended Motion to
3 reopen.
4

5 On 2/16/2017, an order was entered Denying Debtors' Amended Motion
6 because:
7

8 "Debtor's Amended Motion for Order Reopening Chapter 7
9 Bankruptcy Case, filed on 2/15/2017 (the Amended
10 Motion"), is denied without prejudice on the ground that the
11 procedures applicable for matters to be determined after
12 notice of opportunity to request a hearing under Local
13 Bankruptcy Rule 9013-1(o) have not been complied with.
14 The Amended Motion was filed on February 15, 2017, and
15 the 14 day waiting requirement under Local Bankruptcy
16 Rule 9013-1(o)(1)(A)(ii) has not yet expired. If Debtors
17 wish to proceed with this matter they should start over and
18 comply with the Local Bankruptcy rules instead of seeking
19 shortcuts not authorized under the Rules." (See Order on
20 Amended Motion, Docket 19).

21 As previously stated, LBR 5010-1, which governs the reopening of a
22 bankruptcy case, states that a motion to reopen may be ruled pursuant to LBR
23 9013-1(q). LBR 5010-1 makes no mention, and does not require, that a motion to
24 reopen a bankruptcy must be ruled upon pursuant to 9013-1(o).
25

26 Debtors and Debtors' Counsel have in no way sought "shortcuts" under the
27 local bankruptcy rules in an effort to obtain the relief sought in the motion to
28 reopen. To the contrary, Debtors and Debtors' Counsel have followed the LBRs
and have used authorized local forms pursuant to those rules to validly obtain the
relief sought.

1 Per the Courts request, Debtors' submit this Second Amended Motion
2 pursuant to LBR 9013-1(o) as instructed in the Order denying the Debtors'
3 amended motion to reopen.
4

5 **WHEREFORE**, movant respectfully requests that the Honorable Court;

- 6
- 7 1. Reopen the Debtors' bankruptcy case;
8
- 9 2. That a trustee be appointed should the Court determine it necessary.
10
- 11 3. For such other and further relief as the Court may deem just and proper.

12 DATED: February 6, 2017

JOHN F. BRADY & ASSOCIATES, APLC

13 By: 

14 John F. Brady, Attorney for Debtors,
John Fitch & Mary Fitch

DECLARATION OF JOHN FITCH

I, John Fitch, hereby declare:

1. I am one of the Debtors in the above-captioned proceeding. I have personal knowledge of the facts set forth herein and if called upon to testify hereto, I could and would do so competently thereto.

2. My then wife, Mary Fitch, and I filed our Chapter 7 bankruptcy, Case No.: 6:13-bk-17103-WM, on April 22, 2013. Howard B. Grobstein was the duly appointed and acting Chapter 7 Trustee.

3. On June 3, 2013 the Chapter 7 Trustee filed a "no asset report."

4. We received a discharge on August 5, 2013.

3. When we initially filed our schedules and statements in April of 2013, We did not list any claims against my then employer, Party City Corporation ("Party City").

4. I work at Party City from January 6, 2012 to May 31, 2013.

4. The reason I did not list claims against Party City is because I did not know that any claims existed.

5. It has since come to my attention that I may have been misclassified as an "exempt" employee, and thus have a claim against Party City for unpaid wages. I learned of this claim around April of 2014, which was about 7 months after I received my Chapter 7 discharge.

6. While I certainly knew the conditions of my employment, I did not have any understanding of California law that would have caused me to believe or suspect that I had been misclassified as an "exempt" employee; nor did I know that this meant I was entitled to unpaid overtime compensation.

7. On June 4, 2015, during a deposition relating to the Party City class action claim, it was brought to my attention that I needed to reopen my Chapter 7 case and amend my filed schedules to disclose my claim against Party City. I was unaware of my need to reopen and amend my bankruptcy schedules prior to June 4, 2015.

8. My wage claim against Party City is disputed and its liquidation to money

is contingent upon a favorable result in the proposed class action.

8. Based on the foregoing, I am respectfully requesting that the Court grant my Motion to reopen my Chapter 7 bankruptcy so that I may amend the appropriate schedules in my bankruptcy petition.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing facts are known by me to be true and correct.

Executed on February 9, 2017, in Riverside, California.

John Fitch, Declarant

1 **DECLARATION OF JOHN F. BRADY**

2 I, John F. Brady, declare:

3

4 1. I am an attorney at law admitted to practice before all of the courts
5 of the State of California, and before this Court. The matters set forth in this
6 Declaration are of my own personal knowledge, and if called and sworn as
7 witness herein, I could and would so testify.

8

9 2. I represent the above-captioned Debtors in the above-captioned
10 Motion to reopen their Chapter 13 case.

11

12 3. On 2/13/2017 Debtors filed a Motion to Reopen the present case in
13 order to disclose and exempt previously unknown assets (See Docket 15). The
14 Motion was filed along with a notice of motion pursuant to LBR 9013-1(q) by
15 using local form F 9013-1.2.NO.HEARING. NOTICE (See Docket 15).

16

17 4. Debtors' amended Schedules B & C were filed concurrently with
18 the Notice of Motion and Motion to reopen the Debtors' bankruptcy case on
19 2/13/2017 (See Docket 16).

20

21 5. On 2/15/2017, an order temporarily Denying Motion to Reopen the
22 Debtors' case was entered as Docket number 17.

23

24 6. The order denying the motion made no mention as to the
25 appropriateness of the notice of motion, under LBR 9013(q), which was filed
26 along with the motion nor did the order raise concerns as to the timing of the
27 lodged order on the motion.

1 7. After reviewing the order, my office promptly refiled an Amended
2 Motion to reopen the Debtor's case using the same notice of motion, local form F
3 9013-1.2.NO.HEARING.NOTICE, as in the previous Motion (See Docket 18).
4

5 8. In accordance with previous order denying the motion, Debtors'
6 Amended Schedules B & C were not filed concurrently with the Amended
7 Motion to reopen.
8

9 9. On 2/16/2017, an order was entered Denying Debtors' amended motion
10 (See Docket 19).
11

12 10. In a prior motion to reopen filed with this Court, case no. 6:15-bk-
13 10417-MW ("*In re Fellin*"), the facts in that case are almost identical to the facts in
14 this case. My firm filed a motion to reopen pursuant to LBR 9013-1(q) on
15 10/12/2016 (See *In Re Fellin*, docket 24) and lodged an order the same date,
16 10/12/2016. Six (6) days later, on 10/17/2016, this Court granted and entered an
17 Order on the Fellin Motion to reopen (See *In re Fellin*, docket 25). The form notice
18 of motion and order used in the Fellin case was the same form as used in this case.
19

20 21. In reliance on the granting of an Order in the Fellin case, our firm filed
21 the identical notice of motion, LBR 9013-1(q), which is sanctioned in the current
22 LBRs. Our firm was in no way "attempting shortcuts not authorized under the
23 Rules", we were simply relying on previous experience with this Court in such
24 motions.
25

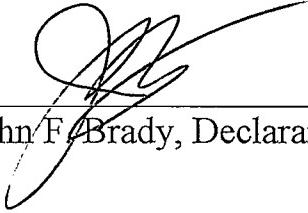
26 27. Debtors and my firm have followed the LBRs and have used
27

1 authorized local forms pursuant to those rules to validly obtain the relief sought.
2

3 Pursuant to the Court's order on the Amended Motion to reopen, Docket
4 number 19, the undersigned will be filing a Second Amended motion under LBR
5 9013-1(o) as the court has indicated this is the correct notice to be given in this
6 case .
7

8 I declare under penalty of perjury under the laws of the State of California and
9 the United States of America that the foregoing facts are known by me to be true and
10 correct.
11

12 Executed on February 16, 2017, in Riverside, California.
13

14 
15 John F. Brady, Declarant
16

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
4308 Lime St.
Riverside, CA 92501

A true and correct copy of the foregoing document entitled: **NOTICE OF OPPORTUNITY TO REQUEST A HEARING ON MOTION [LBR 9013-1(o)] WITH COPY OF SECOND AMENDED DEBTORS' MOTION FOR ORDER REOPENING CHAPTER 7 BANKRUPTCY CASE FOR THE PURPOSE OF AMENDING SCHEDULE B TO DISCLOSE A PREVIOUSLY UNKNOWN ASSET, AND AMENDING SCHEDULE C TO EXEMPT A PREVIOUSLY UNKNOWN ASSET; DECLARATION OF JOHN FITCH** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below: *Declaration of John F. Brady*

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 02/16/2017, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Chapter 7 Trustee, Howard B. Grobsterin: hbgtrustee@gtfas.com

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) 02/16/2017, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

United States Trustee (RS)
3801 University Ave. Suite 720
Riverside, CA 92501

Honorable Mark S. Wallace
411 West Fourth St. suite 6135
Santa Ana, CA 92701

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

02/17/2017 Giovannie Rodriguez
Date Printed Name

Signature

Label Matrix for local noticing
0973-6
Case 6:13-bk-17103-MW
Central District of California
Riverside
Thu Feb 16 11:17:01 PST 2017

Riverside Division
3420 Twelfth Street,
Riverside, CA 92501-3819

CMRE Financial Services
3075 E. Imperial Hwy
Brea, CA 92821-6753

Chase/Best Buy
P.O. Box 15298
Wilmington, DE 19850-5298

GE/JCpenney
P.O.Box 965007
Orlando, FL 32896-5007

Goodyear /CBNA
P.O.Box 6497
Sioux Falls, SD 57117-6497

Home Depot/Citibank
P.O.Box 6497
Sioux Falls, SD 57117-6497

Metro Rep Comm
P.O. Box 1357
Corona, CA 92878-1357

Sears/Citibank
P.O. Box 6282
Sioux Falls, SD 57117-6282

Target National Bank
P.O. Box 673
Minneapolis, MN 55440-0673

Employment Development Dept.
Bankruptcy Group MIC 92E
P.O. Box 826880
Sacramento, CA 94280-0001

Altavista Credit Union
1425 W. Lugonia Avenue
Redlands, CA 92374-2060

Calvary Portfolio Services LLC
P.O. Box 27288
Tempe, AZ 85285-7288

ERI Financial Services
391 N. Main Street, Suite 206
Corona, CA 92880-2006

GE/Old Navy
P.O.Box 965005
Orlando, FL 32896-5005

Gordon & Wong Law Group PC
1485 Treat Blvd, Suite 102
Walnut Creek, CA 94597-2187

Kohl's
P.O. Box 3115
Milwaukee, WI 53201-3115

Midland Funding
8875 Aero Dr, Ste 200
San Diego, CA 92123-2255

Solomon & solomon PC
Columbia Circle
P.O. Box 15019
Albany, NY 12212-5019

(p)TOYOTA MOTOR CREDIT CORPORATION
PO BOX 8026
CEDAR RAPIDS IA 52408-8026

Franchise Tax Board
Bankruptcy Section MS: A-340
P.O. Box 2952
Sacramento, CA 95812-2952

CA Business Bureau
17119 Mountain Avenue
Monrovia, CA 91016

Capital Management Services LLP
726 Exchange St., #700
Buffalo, NY 14210-1464

GE Money/Sears Home Design
P.O.Box 965036
Orlando, FL 32896-5036

GECRB/Care Credit
P.O.Box 965036
Orlando, FL 32896-5036

HSBC Bank
P.O. Box 5253
Carol Stream, IL 60197-5253

Macys
P.O. Box 8218
Mason, OH 45040-8218

(p) PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Target NB
P.O.Box 673
Minneapolis, MN 55440-0673

United States Trustee (RS)
3801 University Avenue, Suite 720
Riverside, CA 92501-3255

Verizon
P.O.Box 920041
Dallas, TX 75392-0041

Walmart
P.O. Box 530927
Atlanta, GA 30353-0927

Wells Fargo Home Mortgage
4101 Wiseman Blvd
San Antonio, TX 78251-4200

Howard B Grobstein (TR)
Grobstein Teeple
7121 Magnolia Avenue
Suite F
Riverside, CA 92504-3805

John Fitch
914 Church Street
Redlands, CA 92374-3550

John F Brady
4308 Lime Street
Riverside, CA 92501-3821

Mary Fitch
914 Church Street
Redlands, CA 92374-3550

Todd B Becker
Law Offices of Todd B Becker
3750 E Anaheim St Ste 100
Long Beach, CA 90804-4016

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Portfolio Recovery Assoc.
120 Corporate Blvd., #100
Norfolk, VA 23502

Toyota Motor Credit
P.O.Box 5855
Carol Stream, IL 60197

End of Label Matrix	
Mailable recipients	37
Bypassed recipients	0
Total	37

Exhibit 3

Exhibit 3, pg. 28

1 John F. Brady (63900)
2 John F. Brady & Associates
3 4308 Lime Street
4 Riverside, CA 92501
5 Tel: 951-682-3050
6 Fax: 951-777-2875
7 johnbrady.cbg@zoho.com

8 Attorney for: Debtors

9 FOR COURT USE ONLY

10 **FILED & ENTERED**

11 **MAR 08 2017**

12 CLERK U.S. BANKRUPTCY COURT
13 Central District of California
14 BY craig DEPUTY CLERK

15 **UNITED STATES BANKRUPTCY COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA -RIVERSIDE DIVISION**

17 In re:

18 CASE NO.: 6:13-bk-17103-MW

19 JOHN FITCH.

20 CHAPTER: 7

21 MARY FITCH

22 **ORDER ON DEBTOR'S SECOND
23 AMENDED MOTION FOR ORDER
24 REOPENING CHAPTER 7
25 BANKRUPTCY CASE FOR THE
PURPOSE OF AMENDING SCHEDULE
B TO DISCLOSE A PREVIOUSLY
UNKNOWN ASSET, AND AMENDING
SCHEDULE C TO EXEMPT A
PREVIOUSLY UNKNOWN ASSET;
DECLARATION OF JOHN FITCH;
DECLARATION OF JOHN F. BRADY**

26 Debtors.

27 [No Hearing Required]

28 The court having reviewed the Debtor's Amended Motion for Order Reopening
Chapter 7 Bankruptcy Case for the Purpose of Amending Schedule B to Disclose a
Previously Unknown Asset, and Amending Schedule C to Exempt a Previously Unknown
Asset; Declaration of John Fitch; Declaration of John F. Brady, filed on 2/16/2017 as
docket entry number 20, and good cause appearing therefore;

29 **IT IS ORDERED:**

- 30 1. The Debtor's Second Amended Motion for Order Reopening Chapter 7
31 Bankruptcy Case, filed on 2/16/2017, is granted; and
32 2. The above-captioned Chapter 7 case, Case No.: 6:13-bk-17103-MW, is

1 reopened.

2 IT IS SO ORDERED.

3 ####

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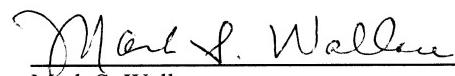
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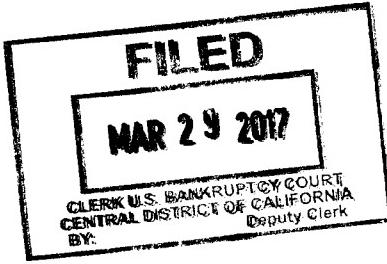
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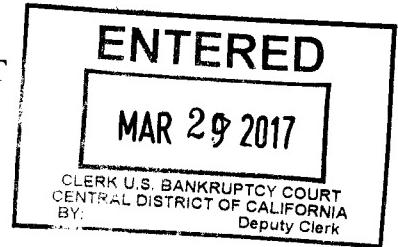
28

Date: March 8, 2017


Mark S. Wallace
United States Bankruptcy Judge



UNITED STATES BANKRUPTCY COURT
Central District of California
Riverside Division



In Re:

John Fitch

Debtor(s)

Case No: 6:13-17103-MW
Chapter No.: 7
ORDER REOPENING
BANKRUPTCY CASE

Due to inadvertence and/or clerical error, the above-captioned case
having been closed on March 22, 2017 it is hereby

ORDERED that the above-captioned case be and the same is hereby
reopened.

Date: 3/29/17

Honorable Mark S. Wallace
United States Bankruptcy Judge

Exhibit 4

Exhibit 4, pg. 32

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address	FOR COURT USE ONLY
JOHN F. BRADY 4308 Lime Street Riverside, CA 92501 951-682-3050 Fax: 951-777-2875 63900 johnbrady.cbg@zoho.com	
<input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for Debtor(s)	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: John Fitch Mary Fitch	CASE NO.: 6:13-bk-17103 -MW CHAPTER: 7
	SUMMARY OF AMENDED SCHEDULES, MASTER MAILING LIST, AND/OR STATEMENTS [LBR 1007-1(c)]
	Debtor(s)

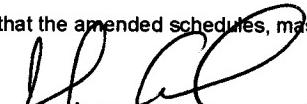
A filing fee is required to amend Schedules D, or E/F (see Abbreviated Fee Schedule on the Court's website www.cacb.uscourts.gov). A supplemental master mailing list (do not repeat any creditors on the original) is also required as an attachment if creditors are being added to the Schedule D or E/F. Are one or more creditors being added? Yes No

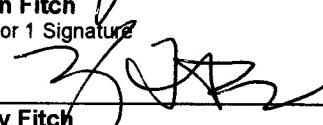
The following schedules, master mailing list or statements (check all that apply) are being amended:

- | | | | | |
|---|--|--|---------------------------------------|---|
| <input checked="" type="checkbox"/> Schedule A/B | <input checked="" type="checkbox"/> Schedule C | <input type="checkbox"/> Schedule D | <input type="checkbox"/> Schedule E/F | <input type="checkbox"/> Schedule G |
| <input type="checkbox"/> Schedule H | <input type="checkbox"/> Schedule I | <input type="checkbox"/> Schedule J | <input type="checkbox"/> Schedule J-2 | <input type="checkbox"/> Statement of Financial Affairs |
| <input type="checkbox"/> Statement About Your Social Security Number(s) | | <input type="checkbox"/> Statement of Intentions | | <input type="checkbox"/> Master Mailing List |
| <input type="checkbox"/> Other (specify) _____ | | | | |

I/we declare under penalty of perjury under the laws of the United States that the amended schedules, master mailing list, and/or statements are true and correct.

Date: 2/9/2017


John Fitch
Debtor 1 Signature


Mary Fitch
Debtor 2 (Joint Debtor) Signature (if applicable)

NOTE: It is the responsibility of the Debtor, or the Debtor's attorney, to serve copies of all amendments on all creditors listed in this Summary of Amended Schedules, Master Mailing List, and/or Statements, and to complete and file the attached Proof of Service of Document.

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

In re

John Fitch,
Mary FitchCase No. 6:13-bk-17103

Debtors

SCHEDULE B - PERSONAL PROPERTY - AMENDED

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1. Cash on hand	X			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Chase Checking Account	C	2,000.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		Furniture	C	500.00
		Tv, Blue Ray Player	C	500.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.		DVD Collection	C	1,000.00
6. Wearing apparel.		Clothing	C	500.00
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.	X			
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			
			Sub-Total > (Total of this page)	4,500.00

3 continuation sheets attached to the Schedule of Personal Property

Exhibit 4, pg. 34

In re **John Fitch,
Mary Fitch** Case No. **6:13-bk-17103**

Debtors

SCHEDULE B - PERSONAL PROPERTY - AMENDED

(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.		401k (2) Accounts	C	30,000.00
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
16. Accounts receivable.	X			
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.		2012 Federal and State Refund Earned but unpaid pre-petition wages owed to Debtor by previous employer arising from class action relating to unpaid overtime wages. Potential penalties and interest to be paid to Debtor by previous employer arising from class action relating to pre-petition unpaid overtime wages. Approximate interest on pre-petition unpaid wages sought in suit = \$39,818.00. Approximate Penalties sought in suit pursuant to California Labor Code Section 558 = \$55,926.70.	C	6,500.00 83,890.92 95,744.70
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			

Sub-Total > **216,135.62**
(Total of this page)

Sheet 1 of 3 continuation sheets attached
to the Schedule of Personal Property

In re **John Fitch,
Mary Fitch**Case No. **6:13-bk-17103****Debtors****SCHEDULE B - PERSONAL PROPERTY - AMENDED**

(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		2007 Toyota Corolla LE 120,000 miles, fair condition	C	5,675.00
		2003 Ford Expedition SLT 2WD 130,000 miles, fair condition	C	3,325.00
26. Boats, motors, and accessories.	X			
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.		Laptop PC	C	250.00
29. Machinery, fixtures, equipment, and supplies used in business.	X			
30. Inventory.	X			
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
				Sub-Total > 9,250.00
				(Total of this page)

Sheet **2** of **3** continuation sheets attached
to the Schedule of Personal Property

In re **John Fitch,
Mary Fitch**Case No. **6:13-bk-17103****Debtors****SCHEDULE B - PERSONAL PROPERTY - AMENDED**
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			

Sub-Total >	0.00
(Total of this page)	
Total >	229,885.62

(Report also on Summary of Schedules)

Sheet **3** of **3** continuation sheets attached
to the Schedule of Personal Property**Exhibit 4, pg. 37**

In re **John Fitch,
Mary Fitch** Case No. **6:13-bk-17103**

Debtors

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT - AMENDED

Debtor claims the exemptions to which debtor is entitled under:

(Check one box)

- 11 U.S.C. §522(b)(2)
 11 U.S.C. §522(b)(3)

Check if debtor claims a homestead exemption that exceeds \$155,675. (Amount subject to adjustment on 4/1/16, and every three years thereafter with respect to cases commenced on or after the date of adjustment.)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Checking, Savings, or Other Financial Accounts, Certificates of Deposit			
Chase Checking Account	C.C.P. § 703.140(b)(5)	2,000.00	2,000.00
Household Goods and Furnishings			
Furniture	C.C.P. § 703.140(b)(3)	500.00	500.00
Tv, Blue Ray Player	C.C.P. § 703.140(b)(3)	500.00	500.00
Books, Pictures and Other Art Objects; Collectibles			
DVD Collection	C.C.P. § 703.140(b)(5)	1,000.00	1,000.00
Wearing Apparel			
Clothing	C.C.P. § 703.140(b)(3)	500.00	500.00
Interests in IRA, ERISA, Keogh, or Other Pension or Profit Sharing Plans			
401k (2) Accounts	C.C.P. § 703.140(b)(10)(E)	30,000.00	30,000.00
Other Liquidated Debts Owing Debtor Including Tax Refund			
2012 Federal and State Refund	C.C.P. § 703.140(b)(5)	6,500.00	6,500.00
Earned but unpaid pre-petition wages owed to Debtor by previous employer arising from class action relating to unpaid overtime wages.	15 U.S.C. § 1673 C.C.P. § 703.140(b)(5)	62,918.19 17,425.00	83,890.92
Automobiles, Trucks, Trailers, and Other Vehicles			
2003 Ford Expedition SLT 2WD 130,000 miles, fair condition	C.C.P. § 703.140(b)(2)	3,325.00	3,325.00
Office Equipment, Furnishings and Supplies			
Laptop PC	C.C.P. § 703.140(b)(3)	250.00	250.00
		Total:	124,918.19
			128,465.92